

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 30, 2016

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: **TCEQ Docket No. 2015-0068-IWD; SOAH Docket No. 582-15-2214.**
ALJs' Proposal for Decision and Proposed Order regarding the application of **Dos Republicas Coal Partnership** for Renewal and Amendment of TPDES Permit No. WQ0003511000.

This letter concerns the scheduling of oral presentations before the Texas Commission on Environmental Quality (Commission) regarding the above-referenced matter. As previously notified, this matter has been set on the Commission's public meeting scheduled to begin at 9:30 a.m. on **Wednesday, July 6, 2015**. The Commission's meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas. Commission rule 30 TAC § 80.263 provides:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

The Office of General Counsel (OGC) previously directed the Chief Clerk's Office (CCO) to extend the oral argument time. By letter dated June 17, 2016, CCO provided ten (10) minutes to the Applicant, ten (10) minutes to the Protestants who were named parties collectively, and eight (8) minutes each to the Executive Director (ED) and Office of Public Interest Counsel (OPIC). Since the June 17, 2016 letter, OGC has received two written requests to further extend the oral argument time. OGC hereby extends the time for oral argument to **fifteen (15) minutes** for the Applicant and **fifteen (15) minutes** for the Protestants who were named parties collectively. The ED and OPIC's oral argument time will remain at the **eight (8) minutes** each. The Protestants should apportion their fifteen minutes of oral argument time among themselves prior to the public meeting and contact Meghan Taack, Office of the Chief Clerk at (512) 239-3300 by **5:00 p.m. on Tuesday, July 5, 2016** to let her know how the time will be apportioned. If no apportionment is received from the Protestants, OGC will divide the time equally among the present Protestants who were named parties. The Applicant may save some time for rebuttal, as it bears the burden of proof.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in more complex matters and given the lengthy post-PFD filings and the Commissioners' ability to question the parties to clarify any issues, the Office of General Counsel finds that the time periods provided to the parties are sufficient.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

Mailing List

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey

printed on recycled paper

Mailing List
Dos Republicas Coal Partnership
TCEQ Docket No. 2015-0068-IWD
SOAH Docket No. 582-15-2214

Ali Abazari
Jackson Walker, L.L.P.
100 Congress Ave., Suite 1100
Austin, Texas 78701
512/236-2239 FAX 512/391-2197

David O. Frederick
Frederick, Perales,
Allmon & Rockwell, P.C.
707 Rio Grande, Suite 200
Austin, Texas 78701
512/469-6000 FAX 512/482-9346

Adam Friedman
McElroy, Sullivan, Miller,
Weber & Olmstead, L.L.P.
1201 Spyglass Drive, Suite 200
Austin, Texas 78746
512/327-8111 FAX 512/327-6566

Jose Casares
542 Lehmann Ranch Road
Eagle Pass, Texas 78852
830/773-5700

Francisco Garcia
311 Gennter Road
Eagle Pass, Texas 78852
830/352-5325

Roberto & Siboney Salinas
381 Gennter Drive
Eagle Pass, Texas 78852
830/513-7612

Ricardo Ruiz
1212 Glen Haven
Eagle Pass, Texas 78852
830/773-1743

Luis F. Martinez
P.O. Box 3511
Eagle Pass, Texas 78853
930/773-6508

Ramon Castillo
3700 Highway 277 Norte Labor
Eagle Pass, Texas 78852
830/352-4637

The Honorable William Newchurch
The Honorable Rebecca Smith
Administrative Law Judges
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
512/475-4993 FAX 512/322-2061

Stefanie Skogen
TCEQ Legal Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Eli Martinez
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Brian Christian
TCEQ Environmental Assistance Division MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3100 FAX 512/239-5678